

REMARKS

Species Election

At paragraph 1 of the detailed action the Examiner has entered a restriction requirement. The Examiner states that in light of newly submitted claims, a species election is required. The Examiner indicates that the embodiments of the application divide into two patentably distinct species:

Species A: methods/media for obtaining data via liquid chromatography coupled with mass spectrometry, embodied by claims 63-66, 68, 73-76, 78, 83-86, 88, 93-96, 98, 103-106 and 108; and

Species B: methods/media for obtaining data from a data file, embodied by claims 67, 69, 77, 79, 87, 89, 97, 98 [sic, 99?], 107 and 108 [sic, 109?].

Applicant respectfully traverses. Applicant respectfully submits that the inventions are not so distinct as to require restriction. As noted by the Examiner, the application includes several generic claims, each of which Applicant believes to be patentable. Thus there is no requirement for independent searching.

However, in the interest of advancing the Application, and without conceding the propriety of restriction or the validity of the grounds therefore, Applicant provisionally elects Species A, embodied by claims 63-66, 68, 73-76, 78, 83-86, 88, 93-96, 98, 103-106 and 108.

As mentioned above, Applicant notes that the present application includes claims directed to different embodiments that fall within the scope of generic claims. For example, independent claims 61, 71, 81, 91 and 101 are generic claims that cover both Species A and Species B. Upon allowance of a generic claim, Applicant will be entitled to consideration and allowance of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim, and respectfully requests consideration and allowance of such claims.

Subspecies Election

At paragraph 5 of the detailed action the Examiner indicates that if Species A is elected, election of one of several subspecies identified by the Examiner is required. The Examiner indicates that the embodiments of the application divide into three patentably distinct subspecies:

Subspecies C: methods/media where one sample is subjected to LC-MS and another sample is subjected to LC-MS/MS, as embodied by claims 63, 73, 83, 93 and 103;

Subspecies D: methods/media where all samples are subjected to LC-MS, as embodied by claims 64, 74, 84, 94 and 104; and

Subspecies E: methods/media where all samples are subjected to LC-MS/MS, as embodied by claims 65, 75, 85, 95 and 105.

Having elected Species A, Applicant respectfully traverses. For reasons including those noted above, Applicant respectfully submits that the subspecies are not so distinct as to require restriction.

Without conceding the necessity of restriction or the validity of the grounds therefore, Applicant, and solely in the interest of advancing the Application, provisionally elects Subspecies D as embodied by claims 64, 74, 84, 94 and 104.

Again, Applicant notes that the present application includes claims directed to different embodiments that fall within the scope of generic claims. For example, claims 61, 62, 71, 72, 81, 82, 91, 92, 101 and 102 are generic claims that cover Subspecies C, Subspecies D and Subspecies E. Upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional subspecies which depend from or otherwise require all the limitations of an allowable generic claim.

CONCLUSION

Applicant believes that it has fully responded to the Examiner's concerns and that the application is now in condition for immediate allowance. Applicant respectfully requests reconsideration and immediate allowance of the application.

Please charge any deficiency or credit any overpayment in any fee required for this response, including any petition fee, to Deposit Account No. 50-2651.

Applicant requests that any questions concerning this matter be directed to the undersigned at 416.865.8242.

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Respectfully submitted,


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